

Adopted	Rejected
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## COMMITTEE REPORT

YES:	11
NO:	2

### MR. SPEAKER:

*Your Committee on Courts and Criminal Code, to which was referred House Bill 1288, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 35-44-4 IS ADDED TO THE INDIANA CODE AS
- 3 A **NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY**
- 4 **1, 2001]:**
- 5 **Chapter 4. Interference With A Firefighter**
- 6 **Sec. 1. As used in this chapter, "dispatched firefighter" means**
- 7 **a member of:**
- 8 **(1) the fire company having jurisdiction over an emergency**
- 9 **incident area; or**
- 10 **(2) a fire company that has entered into a mutual aid**
- 11 **agreement with the fire company having jurisdiction over an**
- 12 **emergency incident area;**
- 13 **who has been dispatched by the local fire department having**
- 14 **jurisdiction over the particular emergency incident area.**

1       **Sec. 2. As used in this chapter, "emergency incident area"**  
2       **means the area surrounding a structure, vehicle, property, or area**  
3       **that is:**

4               **(1) defined by police or firefighters with flags, barricades,**  
5               **barrier tape, or other markers; or**

6               **(2) one hundred and fifty (150) feet in all directions from the**  
7               **perimeter of the emergency incident;**

8       **whichever is greater.**

9       **Sec. 3. As used in this chapter, "firefighter" has the meaning set**  
10       **forth in IC 9-18-34-1.**

11       **Sec. 4. As used in this chapter, "fire protective clothing and fire**  
12       **protective gear" includes any of the following items generally used**  
13       **by firefighters:**

14               **(1) Outer fire retardant clothing and headgear.**

15               **(2) Fire gloves.**

16               **(3) Selfcontained breathing apparatus.**

17               **(4) Emergency medical services protective gear.**

18               **(5) Hazardous materials protective gear.**

19       **Sec. 5. A person who is not a firefighter who knowingly or**  
20       **intentionally refuses to leave an emergency incident area**  
21       **immediately after being requested to do so by a firefighter or law**  
22       **enforcement officer commits a Class A misdemeanor.**

23       **Sec. 6. A firefighter who:**

24               **(1) has not been dispatched to an emergency incident area;**

25               **(2) enters an emergency incident area; and**

26               **(3) refuses to leave an emergency incident area immediately**  
27               **after being requested to do so by a dispatched firefighter or**  
28               **law enforcement officer;**

29       **commits a Class C infraction.**

30       **Sec. 7. A person other than a firefighter who, with intent to**  
31       **mislead a firefighter or law enforcement officer as to the person's**  
32       **status as a dispatched firefighter, knowingly or intentionally enters**  
33       **an emergency incident area while wearing, transporting, or**  
34       **otherwise possessing a uniform, protective clothing, or protective**  
35       **gear commits a Class D felony.**

36       **Sec. 8. A person who knowingly or intentionally obstructs or**  
37       **interferes with a firefighter performing or attempting to perform**  
38       **the firefighter's emergency functions or duties as a firefighter**

1       **commits obstructing a firefighter, a Class A misdemeanor.**  
2       SECTION 2. IC 35-44-3-8 IS REPEALED [EFFECTIVE JULY 1,  
3       2001].  
          (Reference is to HB 1288 as introduced.)

**and when so amended that said bill do pass.**

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Representative Dvorak